

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

[LB139 LB279 LB475 LB880 LB935 LB936 LB937 LB938 LB939 LB940 LB941 LB942
LB943 LB944 LB945 LB946 LB947 LB948 LB949 LB950 LB951 LB952 LB953 LB954
LB955 LB956 LB957 LB958 LB959 LB960 LB961 LB962 LR293]

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventh day of the One Hundred First Legislature, Second Session. Our chaplain today is Reverend Jack Sample from Wood River, Nebraska, a friend of Senator Dubas. Would you all please rise. []

REVEREND SAMPLE: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Reverend Sample. I call to order the seventh day of the One Hundred First Legislature, Second Session. Senators, please record your presence. Please record, Mr. Clerk. []

CLERK: I have a quorum present, Mr. President. []

PRESIDENT SHEEHY: Are there corrections for the Journal? []

CLERK: I have no corrections. []

PRESIDENT SHEEHY: Messages, reports, or announcements? []

CLERK: Mr. President, hearing notices from the following committees: Banking, Commerce and Insurance, signed by Senator Pahls; Business and Labor, Senator Lathrop; Natural Resources, Senator Langemeier; and Revenue, Senator Cornett. I also have the report of registered lobbyists for this week to be inserted in the Legislative Journal. Finally, Mr. President, a series of reports received from Health and Human Services, Department of Insurance, Department of Natural Resources, and Revenue. Those will be available and on file in the Clerk's Office, available for member review. That's all that I have, Mr. President. (Legislative Journal pages 217-219.) []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Wightman, you're recognized for a motion. []

SENATOR WIGHTMAN: Mr. President, I move that a committee of five be appointed to escort the Governor of the state of Nebraska to the Legislative Chamber to deliver his State of the State message. []

PRESIDENT SHEEHY: Thank you, Senator Wightman. You have heard the motion. All those in favor say aye. Opposed, nay. The motion is adopted. I would appoint the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

following legislative members to form a committee: Senator Wightman, Senator Cornett, Senator Rogert, Senator Janssen, and Senator Cook. Would you please go to the rear of the Chamber to escort the Governor for his State of the State. The Chair recognizes the Sergeant at Arms. []

SERGEANT AT ARMS: Mr. President, your committee now escorting the Governor of the great state of Nebraska, Dave Heineman, and First Lady Sally Ganem. []

PRESIDENT SHEEHY: (Gavel) Ladies and gentlemen, members of the Legislature, the Governor of the great state of Nebraska, Governor Dave Heineman. []

GOVERNOR HEINEMAN: Thank you very much. Mr. President, Mr. Speaker, members of the Legislature, tribal chairman, distinguished guests, friends, and fellow Nebraskans: As we enter a new decade, we have a unique opportunity to pause to reflect on our past accomplishments and take our first step towards new endeavors. As a state we are in an exceptional position to become an even more extraordinary place to live, to work and to raise a family. Nebraska's financial health is stronger than most of our peers across America because working together we have been fiscally responsible. Two months ago Nebraska faced a \$335 million revenue shortfall. We acted quickly and decisively. We resolved this financial challenge by reducing spending, not by increasing taxes. Members of this body were in special session just 12 days. You passed the budget unanimously and I signed it into law immediately. No other state has acted as swiftly or spoken with one voice as Nebraska has in recent months. Senators, thank you for your work during the 2009 Special Session. As a result, we are positioned to continue moving Nebraska forward. My focus for the coming year is to prepare our state to take advantage of new opportunities. My vision for ensuring a strong future for Nebraska is summed up in three priorities: growing our economy, strengthening education, and developing an even more efficient government. Growing our economy means an everyday focus on job creation. Our efforts to modernize Nebraska's economic incentive programs, to lower taxes, and to prioritize investments have resulted in a stronger, more stable economy in Nebraska than in the rest of the country. In 2005, I worked with this body and we enacted the most comprehensive reform of our economic development programs since the 1980's. I am pleased to report that the Nebraska Advantage is exceeding our expectations. Since its passage, 195 companies have decided to expand or locate in Nebraska. These companies plan to invest \$5.3 billion in our economy. When all projects are completed, nearly 16,000 new jobs will have been created. Even as the national economic slowdown is impacting all states, our recruiting efforts continue to pay dividends. Fifteen months ago, one of America's most well-known technology companies announced it would locate a data center and a customer service center in the Omaha area. Both projects will be operational this year. Last month, a California technology company announced it was locating in Grand Island. This company will create 200 new jobs over the next three years. In September, a successful and nationally-known retailer, headquartered in Kearney, announced an expansion of its

Floor Debate
January 14, 2010

distribution center using funding from Nebraska's Community Development Block Grant program. That same program is helping the communities of Aurora, Kearney and South Sioux City develop new industrial power park sites for future economic growth. Last April, two central Nebraska companies announced a partnership that created 25 new jobs in Central City producing custom made cabinets that had been previously manufactured in China. Working with the International Brotherhood of Electrical Workers, we used funds for Nebraska's Worker Training program to build a wind tower training facility that will help prepare our workers for the future growth of Nebraska's wind energy sector. Agriculture and ag-related businesses continue to be a solid and stable foundation of Nebraska's economy. Nebraska's insurance and financial services industry continues to expand. In addition to our work to create jobs, the other important element to growing Nebraska's economy is our work to lower taxes. For too long Nebraska has been a high tax state. But we're changing that. Three years ago we passed the largest tax relief package in the history of the state. We repealed the estate tax, eliminated the marriage penalty, repealed the sales tax on construction labor, and lowered income taxes. Prior to those changes, the Tax Foundation ranked Nebraska as one of America's top ten highest tax states. Their survey ranked Nebraska as having the 44th highest tax rates out of 50 states. Today we have successfully reduced our ranking to 33rd, making Nebraska a more competitive and business-friendly state. That's progress, but we have more to do. Taxes are still too high. The key to lowering taxes is to control spending. It requires difficult choices and it requires that we prioritize our investments. During this national economic slowdown we have seized the opportunity to make Nebraska more competitive. Many states have raised income or sales taxes, Nebraska has not. Many states spent beyond their means, Nebraska did not. We controlled our spending. Because of the tough choices we've made, Nebraska is receiving national attention. According to Forbes, Nebraska is one of the top ten "Best States for Business." Business Week rated Nebraska as one of the top ten states "Where Struggling Americans Can Find a Fresh Start." Mainstreet.com ranked Nebraska as the number one state for financial prosperity in their "Happiness Index." Nebraska has the second lowest unemployment rate in America. CNN Money just published a ranking of the top ten "Best Places to Live" in America for jobs. Three of the top eight places for jobs in America are in one state--Nebraska; they are Platte County, Sarpy County, and Madison County. There's more good news. The latest U.S. Census Bureau estimates indicated Nebraska's population growth in 2009, compared to the national growth rate, was our best performance in nearly 50 years. Nebraska is on the move in typical Nebraska fashion, making deliberate, disciplined, steady, and responsible growth. However, the next 12 to 18 months will be a time of uncertainty for our economy. Historically, as the national economy begins to recover, state tax revenues tend to lag behind. To build on the progress of the past few years, it will be critical that we solve any additional revenue shortfalls by remaining committed to reducing spending. Preventing any future tax increases is crucial to continuing Nebraska's economic progress. Tax increases are job killers, not job creators. Whether it's a special session or a regular legislative session, I will oppose any attempt to

Floor Debate
January 14, 2010

increase income or sales taxes on Nebraskans. The second key element to spurring future growth is strengthening Nebraska's education system. The world is changing. Our task is to prepare our sons and daughters to compete in a knowledge-based, technology-driven, global, free-market economy. Today's jobs require higher reading and math skills than was true 20 years ago. In order to prepare our students for the twenty-first century workplace, we need to transform our education system from preschool all the way through college. We've begun that reform by restructuring the Nebraska P-16 Initiative. This partnership includes education leaders and policymakers. As the new Chair of the Nebraska P-16 Initiative, I am pleased to be working closely with my fellow cochairs, including Senator Greg Adams, Chair of your Education Committee; Commissioner of Education, Dr. Roger Breed; University of Nebraska President, J.B. Milliken; and Liz Koop, President and CEO of EducationQuest Foundation. We are united in our effort to strengthen Nebraska's education system. For all students to succeed, Nebraska needs a common set of career-ready and college-ready academic standards. One of our first P-16 goals was to update Nebraska's high school graduation requirements by supporting a core curriculum of four years of English and three years of math, science and social studies. I am pleased to report that the State Board of Education has adopted these new high school graduation requirements starting with the 2014-2015 academic year. And just minutes ago, I approved the Rule 10 regulation updating Nebraska's graduation requirements for the first time since 1984. Furthermore, the road to economic prosperity for us as a state and for individual students is a good education. The road out of poverty into a good job is a good education. And a good education starts with parents and early learning activities at home. It continues with outstanding early childhood programs. And as our children enter one of Nebraska's 253 school districts, the focus must be on learning. Student success in the classroom is directly related to quality teachers and increased parental involvement. That's why in 2007, I began collaborating with the Nebraska Association of School Boards on a new award recognizing school districts that are successful in increasing parental involvement. In the last three years, we have honored school districts from Garden County, Sutherland, Cozad, Kearney, Loup City, St. Paul, Grand Island, Madison, Papillion-La Vista, and Millard for their parental involvement programs. As good as Nebraska's schools are today, they must be even better in the future. Increasing student achievement means Nebraska needs a high-quality teacher in every classroom, a high-quality principal in every school, and a high-quality superintendent leading every school district. Eliminating academic achievement gaps means changing the status quo. For example, high truancy rates are unacceptable. Superintendents, parents, law enforcement, county attorneys and other community agencies need a high profile effort to ensure students are in school every day. Additionally, Nebraska needs to reform its school day and school year. The needs of students have changed dramatically during the past century, yet our American education system continues to rely upon a 100-year-old school calendar. School districts need to examine their current school day and school year with a focus on increased learning opportunities. School leaders and parents must work together to develop effective strategies to use time more

Floor Debate
January 14, 2010

effectively. Tomorrow, Commissioner Breed and I will be submitting Nebraska's Race to the Top application to the federal Department of Education. Our commitment includes working with the University of Nebraska to develop a new Nebraska virtual high school that will provide Nebraska's school districts with rigorous academic programs. Imagine how a Nebraska virtual high school could expand learning opportunities beyond the traditional school day and school year for both students and teachers. Every school district stands to benefit from this effort. For rural and urban school districts it will provide access to a wider range of rigorous academic subjects such as foreign languages and advanced math and science classes. For school districts with parents without Internet access at home, schools could keep buildings open later in the evening for students to access these academic programs on-line. Imagine students spending more time in a virtual classroom from 3:30 to 8:30 p.m. and less time on the streets involved in drug and gang activities. Imagine students using Nebraska's virtual high school from their home, a library, or a community center during the summer. With innovative and creative thinking, we will expand learning opportunities well beyond the traditional school day and school year. In Nebraska we have an opportunity to create an education system with higher student achievement, increased accountability, improved teacher and principal effectiveness, and a reformed school day and school year. Change of this magnitude will require a redirection of current financial resources at the school district level, including diverting resources from lawyers and lobbyists to the classroom. It will require a continued prioritization of state resources, and I will continue to prioritize education. The focus must be on student learning, both individual achievement and student growth. In a twenty-first century, global economy, we must recognize that today's students need more than a high school education. Today's jobs require at least two years of college and in many cases four years of college. That's why Nebraska needs a top ten college going rate and affordable access to higher education institutions. Like our K-12 school districts, the University of Nebraska, our state and community colleges, and our private colleges and universities need to reexamine their educational processes. Students need a clear path to degree completion in four years, not six years. Our colleges and universities need to prioritize their investments as well as redirecting financial resources to higher priorities. Strengthening Nebraska's education system from preschool through college is essential to Nebraska's future success. Now is the time to focus our attention on building an education system that meets the needs of modern students competing in a modern world. The final component to keep Nebraska moving forward is to continue to develop a more efficient government by reforming the delivery of government services. By using technology, state government can become more efficient and more productive. For example, Nebraska is developing a statewide radio system to allow city, county, state, and federal agencies to communicate with each other. This project is a perfect example of how innovation can provide enhanced public safety that benefits every Nebraskan. In addition, the technology that allows Nebraskans to file taxes electronically has also helped increase productivity and lower costs. More than 71 percent of Nebraska's tax returns were filed electronically last year. We have one of the highest e-filing rates in the nation. The

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

Department of Health and Human Services is using technology to improve client services and modernize the delivery of economic assistance programs through a series of on-line applications known as ACCESSNebraska. More than 56,000 Nebraskans have taken advantage of the ability to apply for services on-line since last September. More than 30 percent of our citizens applying on-line do so outside of traditional work hours. Once fully implemented, the federal and state budget savings will be more than \$5 million annually. Some of our most popular on-line services include hunting and fishing licenses from the Nebraska Game and Parks Commission and the 511 feature offered by the Department of Roads providing real-time information on weather and road conditions across the state. Last year, more than 434,000 hunting and fishing licenses were purchased on-line. The Department of Roads 511 site logged more than 700,000 visits in December alone and more than 1.3 million visits in 2009. Ladies and gentlemen, although 2010 will be a challenging year for Nebraska and all states, it is essential that we continue to position Nebraska for future growth. Our road map is clear and my focus will be on three priorities: Growing our economy by focusing on job creation; strengthening Nebraska's education system so that our students can compete in the twenty-first century economy; and developing a more efficient government through greater use of technology. We have worked hard to position Nebraska as an attractive place to live, to work and to raise a family. And I am confident in the year ahead we will...that will provide us with new opportunities to move Nebraska forward. Thank you very much. []

PRESIDENT SHEEHY: Thank you, Governor Heineman. Would the committee escort the Governor from the Chamber. Mr. Clerk, do you have new bills for introduction or items for the record? []

CLERK: I do, Mr. President. Excuse me, Mr. President. (Read LB935-946 by title for the first time.) In addition, Mr. President, hearing notices from the General Affairs Committee, Education Committee, the Judiciary Committee. And that's all that I have at this time. (Legislative Journal pages 225-228.) [LB935 LB936 LB937 LB938 LB939 LB940 LB941 LB942 LB943 LB944 LB945 LB946]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Doctor of the day introduced.) Mr. Clerk, we'll move to first item under General File, LB139. [LB139]

CLERK: LB139, a bill by Senator Avery. (Read title.) The bill was introduced on January 9 of last year, at that time referred to the Government Committee. The bill was advanced to General File. There are Government, Military and Veterans Affairs Committee amendments, Mr. President. (AM823, Legislative Journal page 816, First Session, 2009.) [LB139]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB139. [LB139]

Floor Debate
January 14, 2010

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. The green copy of LB139 proposes to change the name of the Mexican-American Commission to the Hispanic-American Commission. Let me explain why I introduced this. It seems to me that the name change is needed to better reflect the citizens that the commission actually represents. Many people in this state who are served by the commission are not Mexican-Americans. They come from all over the Latin-American region. The current name may be deeply embedded in tradition, as I have been told that it is. It may be deeply embedded in the history of the state. But it does not reflect current reality. Latin America is the cultural origins of the people served by the Mexican-American Commission. Latin America's history and culture are closely tied to Spain. In fact, the region is not really Latin at all, it is Spanish, except for Brazil and Haiti. The Spanish colonized the region and imposed its institutions and culture on the indigenous people already populating the area. The word "Hispanic" means Spanish and it more accurately reflects the heritage of Latin America. It's interesting to note that the Web site for the Mexican-American Commission describes its mission as serving as a voice for Hispanics, to create the opportunity for all Hispanic residents of the state to participate in the good life of Nebraska. The current makeup of the Hispanic population in this state is 76 percent Mexican, 18 percent South American and Caribbean, and 6 percent Central American. If you do a Google search, as I have done, on Mexican-American Commission, up pops Nebraska's Commission on Mexican-Americans, no others, no others. I could not find any other states that continue to refer to their Hispanic Commissions as Mexican-American. So I see no reason why the name should not be changed to more accurately reflect the mission of the commission and the people it serves. There is one more point I think that is relevant. The commission is a publicly funded entity and it should be more inclusive. It is not just a Mexican commission, it is in fact a Guatemalan, a Nicaraguan, a Puerto Rican commission that reflects many different cultures in the region...the large region of Latin America. It's important to note that all Mexican-Americans are Hispanic or Latino, but all Hispanics and Latinos are not Mexican, that's the key point. The commission's constituency has changed since it was created many years ago and it's name should be changed to reflect those changes. I met with the commission. I also met with the director and explained what I wanted to do and received a very polite discussion. They took under advisement my interest in changing the name and came back with a proposal to change the name to the Commission on Mexican-American and Latino Affairs. So it appears to me that the name "Hispanic", which is proposed in the green copy, is not well received in the Hispanic community despite the fact that it has its origins in Spain. And the word "Latino," which is more acceptable to the Mexican-American Commission, the word "Latino" actually is a French word that has its origins in the French occupation of Mexico. That's okay with me if the Mexican-American Commission prefers Latino, then that is fine. And you will see in the amendment that we'll discuss in a minute that that is being proposed. One more point, if you look at the fiscal note I hope that you have the revision. If you do not have the revision of the fiscal note, I will tell you that there are no

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

fiscal implications for the General Fund in this legislation. In fact, the commission is fully capable, and this is so specified in the revised note, fully capable of incurring these one-time costs to make the transition to a new name with the current funds that they have allocated, could easily come out of their cash fund. There will be no general appropriation for this. With that, Mr. President, I will stop and take questions. I think we'll have an amendment to talk about in a minute. Thank you. [LB139]

PRESIDENT SHEEHY: Thank you, Senator Avery. You've heard the opening to LB139. As was stated, there is an amendment from Government, Military and Veterans Affairs. Senator Avery, you're recognized to open on your amendment AM823. [LB139]

SENATOR AVERY: The amendment reflects the committee's desire to change the name in a manner that was acceptable to the commission, but at the same time to remove the designation of Mexican from the title. So this amendment proposes that the new name will be Commission on Latino-Americans. I urge you to support this amendment as the least controversial alternative that would achieve the same purposes that we set out to do in LB139. Thank you, Mr. President. [LB139]

PRESIDENT SHEEHY: Thank you, Senator Avery. You've heard the opening of AM823 to LB139. Members requesting to speak are Senator Gloor, followed by Senator Wightman. Senator Gloor, you're recognized. [LB139]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I get cranky about name changes. During my career in a hospital, I was lobbied by the housekeeping department to refer to them as environmental services and the housekeepers as environmental workers; dietary department became nutritional services. Medical records, and I really had a problem with this, medical records was information systems; lab was pathology; and x-ray became imaging. And I put up a bit of a resistance to all of these name changes concerned that people would not be able to find their way to the departments, since we know what medical records means, and x-ray means, and so on and so forth. I ultimately acquiesced. And I therefore rise in support of this bill, even though I have been cranky about name changes in the past, because it seems to make a great deal of difference to the people who worked in those departments. And it seems to make a great deal of difference to the people who look to the Mexican-American Commission for support. And because of that, if it makes a difference to them and it's just one of those things that as a name change somewhat has me second-guessing all the reasons and rationales, I think it's best that those people served by, who work with and for the Mexican-American Commission we honor this request. It's important to them. I also would agree with Senator Avery. In our community, by the way, we did sit down and visit with members of the Hispanic community, the Latino community, and their preference was to be referred to as Hispanic. Interestingly enough, according to Senator Avery, that is now, at least with the people he visited with, not their preferred way of being identified. I would imagine from community to community we would have a

Floor Debate
January 14, 2010

hard time coming up with a degree of commonality. But there is one thing I can speak to and that is referring to it as Mexican-American serving our Hispanic, Latino populations, it is not a population that is predominantly Mexican. A large, large number, perhaps even the majority of people I am told who have that ancestry and work in my district are in fact from South America. And we know there is a large contingent from Central America and Cuba. Therefore, just the term itself is not an apt descriptor of the individuals who would turn to the Mexican-American Commission for support and help. Therefore, again I speak in favor of both the amendment and LB139. Thank you.
[LB139]

SENATOR FISCHER PRESIDING []

SENATOR FISCHER: Thank you, Senator Gloor. Senator Wightman, you are recognized. [LB139]

SENATOR WIGHTMAN: Thank you, Madam President, members of the body. I, too, rise in support of both the LB139 and AM823. I believe that the city of Lexington, from whence I come, probably has about as high a percentage of minorities and largely Latinos as any city in the state of Nebraska. I think our school district probably has the highest percentage but I'm not certain of that. Our "elementaries" are something over 80 percent, closer to 90 percent in some grades, minority. And I don't know the exact number of countries or cultures that are represented but I've heard as high as 12 to 15 different Latin American countries are represented within the city of Lexington. Many of those do come from Central America, probably more from Central America in our city than South America. I don't know whether a majority would come from countries other than Mexico but I suspect it's very close to a majority. And it does seem to me we would be much more representative of that population if we called them Latin-American or the Latino-American Commission. And I think they would feel more free in contacting that office with regard to problems they have if it were in fact called the Latino-American Commission. So I certainly do support both LB139 and the amendment. I think my understanding is that Latino is favored. You know, I certainly haven't done a poll and can't count that. But...so I urge you to support both the amendment and LB139. Thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Wightman. Senator Karpisek, you are recognized. [LB139]

SENATOR KARPISEK: Thank you, Madam President and members of the body. I did vote against this bill out of committee. Just real quickly why. I don't feel as a white male that I have a whole lot of business messing with this. We had people on the commission that were opposed to it. I think it's been fine the way it is. I guess my feeling is if they really don't like it, they don't need to have the commission. Maybe we should have a commission for Nebraskans and not a Mexican Commission, have it for everyone. I

Floor Debate
January 14, 2010

guess to me it's not that big of a deal. But I don't know that we should be involved in this. I think they could do whatever they want. I think they're doing a great job and I think it is needed. I know it's kind of split the organization and that's too bad because it's doing a lot of good things and we shouldn't be hung up on this name change, I don't feel. But again, I'm not of that nationality and I don't understand all of the intricacies of it. That's why I voted against it. I will be voting against the bill. Thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Karpisek. Senator Wallman, you are recognized. [LB139]

SENATOR WALLMAN: Thank you, Madam President. Would Senator Avery yield to a question? [LB139]

SENATOR FISCHER: Senator Avery, would you yield? [LB139]

SENATOR AVERY: Of course. [LB139]

SENATOR WALLMAN: Thank you. Is there any General Fund dollars going to the commission now or is it strictly self-funded? [LB139]

SENATOR AVERY: There are some General Fund dollars going to the commission. [LB139]

SENATOR WALLMAN: Okay. I find that ironic that we have to have a commission for foreign countries when I never heard about the Czechoslovakians or the Polish or the Germans. I never heard of a commission for those immigrants. So I, too, will agree with Senator Karpisek. Thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Wallman. Senator Price, you are recognized. [LB139]

SENATOR PRICE: Thank you, Madam President and members of the body. I rise in support of the bill and the amendment. And I do sit on the committee and I was able to listen to the dialogue and discourse. I've had the good fortune to spend a good amount of my life growing up on the border in El Paso, Texas. And I would tell you one of the things I've learned is that the people from the various South American, Central American or the Latin American region are fiercely loyal and are very proud of the countries they come from. So when we say it's only a name change maybe, why do we spend the time? It is not just a name change. As Senator Gloor alluded to, people identify with various labels that are put on things. And what's important here to remember is that commission is there and has a purpose of serving people. Now when asked, the commission did tell us that they do serve. They have booklets in all the

Floor Debate
January 14, 2010

different languages, they have people who can speak in the different languages to help that barrier. But people, if something is up there on a sign says this is a automotive store, you probably wouldn't go to it for your grocery needs because the name tells you something. So all these people's, we don't know who we're missing because it doesn't allude or give a connotation for them to understand that the services they seek, the services that Nebraskans fund will go unused because of the name. So I rise in support of this because it further strengthens the cause and the reason that the commission is there. Thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Price. Senator Council, you are recognized. [LB139]

SENATOR COUNCIL: Yes, thank you, Madam President. First of all, I'd like to state that I support the commission and the work of the commission which is what gives rise to my question. If Senator Avery would yield to a question. [LB139]

SENATOR FISCHER: Senator Avery, would you yield? [LB139]

SENATOR AVERY: I will. [LB139]

SENATOR COUNCIL: Thank you, Senator Avery. It wasn't clear to me the genesis of the name change in the first instance. Was it brought to you or the committee by a member of the Mexican-American Commission? [LB139]

SENATOR AVERY: Actually not, it was brought to me by a constituent who is Puerto Rican and had applied for a position as executive director of the commission and was told, you don't qualify because you're not Mexican. And also, I can tell you that the commission had been discussing a name change for a good, long time but couldn't come up with any consensus as to what the name change ought to be. [LB139]

SENATOR COUNCIL: Okay. And I...and correct me if I'm wrong. I thought I heard during your introduction that the commission has since come to some agreement as to what the name should be. Is that correct? [LB139]

SENATOR AVERY: I don't know if I could go that far. They still want to have Mexican in the title, but they do prefer Latino over Hispanic. [LB139]

SENATOR COUNCIL: Okay, so there's no consensus on the commission as to the...any deletion of reference to Mexican-American? [LB139]

SENATOR AVERY: I think that's correct. [LB139]

SENATOR COUNCIL: Okay. [LB139]

Floor Debate
January 14, 2010

SENATOR AVERY: They are still discussing it. And there are many members of the commission or some members of the commission that are not Mexican-American. And they kind of want to see the name changed and the Mexican-Americans generally do not. [LB139]

SENATOR COUNCIL: Okay. Well, and it's for that reason while I certainly recognize and appreciate that the constituency served by what is now known as the Mexican-American Commission extends beyond those of Mexican descent, I'm concerned, I'm troubled about making a decision that impacts an organization in terms of their identity without them being principally in agreement with that change. And I don't know whether we could ever accomplish that, Senator Avery. But I can tell you from my personal experience that I am affiliated with an organization whose name originally included "Chicano." And it has been since changed to Latino because of the breadth and the diversity of the individuals served. But I'm uncomfortable with this body imposing a name on an entity where the leadership of that entity and those individuals who have to carry out the work of that entity aren't in agreement. So I'm really torn. I agree that it appears to be the growing consensus that the better reference is Latino over...as compared to Hispanic. But I don't...I feel uncomfortable as a member of this body, knowing that this is a constituency-based group that addresses a particular constituency being viewed as imposing the will of this body on that group. So I'm really torn about...I would probably be more favorably... [LB139]

SENATOR FISCHER: One minute. [LB139]

SENATOR COUNCIL: ...supportive of the committee amendment, because that clearly reflects some agreement among the commission. But I'm just troubled about imposing the name change. Thank you. [LB139]

SENATOR FISCHER: Thank you, Senator Council. Senator Nelson, you are recognized. [LB139]

SENATOR NELSON: Thank you, Madam President and members of the body, I'd like to address a question or two to Senator Avery. [LB139]

SENATOR FISCHER: Senator Avery, would you yield? [LB139]

SENATOR AVERY: Yes, I will. [LB139]

SENATOR NELSON: Good morning, Senator. I just want to reconfirm what I thought that I heard. Did you say that about...the persons of Mexican descent in Nebraska constitute about, what, 70 or 72 percent? [LB139]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

SENATOR AVERY: It's actually 76 percent, but that's based upon the 2000 census, and I don't have more current numbers. But I think it's probably changed. And that number has probably decreased and the South American and Central American numbers have gone up. [LB139]

SENATOR NELSON: Okay. Well, and I also understand that basically the Mexican-American Commission, the majority of those people are opposed to any change whatsoever and would prefer not to have the change proposed but go with the amendment. Is that correct? [LB139]

SENATOR AVERY: They are...they like the amendment better than the original bill. But I suppose they are still not in complete agreement that a name change needs to be made at all. They've been discussing this for a long time, they just can't reach agreement. And that's because there is diversity on the commission, there's diversity in the community too. And that diversity is one of the reasons why they can't reach consensus,... [LB139]

SENATOR NELSON: Thank you. [LB139]

SENATOR AVERY: ...which is one of the reasons why we need the bill. [LB139]

SENATOR NELSON: Thank you, Senator. But it was an individual, a constituent that brought this to you and not the Mexican-American Commission. Is that correct? [LB139]

SENATOR AVERY: That is correct. [LB139]

SENATOR NELSON: All right. Well, thank you. I'm from Omaha. We still have the Mexican consulate there. It's not called the Latino or the Hispanic consulate. Mexico is a large country and, yes, we don't know whether our Mexican population of descent rather in Nebraska has decreased substantially or not. But I find I'm in the same position with Senator Council and Senator Karpisek. I think this is something that it's not a big matter but probably we had best leave alone. And I would have to say that I do not support either the amendment or the bill itself. Thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Nelson. Senator Lautenbaugh, you are recognized. [LB139]

SENATOR LAUTENBAUGH: Thank you, Madam President and members of the body. To those of you who I promised I wouldn't say anything today, I'm sorry. Senator Avery, will you yield to a question? [LB139]

SENATOR FISCHER: Senator Avery, will you yield? [LB139]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

SENATOR AVERY: Yes, I will. [LB139]

SENATOR LAUTENBAUGH: Senator, this is not the first go-around for this bill, is it? [LB139]

SENATOR AVERY: It's the second go-around. I believe, the first time I introduced this was in '07. [LB139]

SENATOR LAUTENBAUGH: So the committee has been working on this, by my count, since 2007. [LB139]

SENATOR AVERY: That is correct. You know, I can't even remember, Senator Lautenbaugh, whether it got out of committee in '07. I think it was held in committee and then died at the end of the '08 session. [LB139]

SENATOR LAUTENBAUGH: But we surely had a hearing on it and heard testimony, did we not? [LB139]

SENATOR AVERY: We did. [LB139]

SENATOR LAUTENBAUGH: In any of the testimony you heard in any of the hearings we've had on these proposals has the term "Latino" been offensive to anyone? [LB139]

SENATOR AVERY: No. [LB139]

SENATOR LAUTENBAUGH: And... [LB139]

SENATOR AVERY: I don't recall that it was. [LB139]

SENATOR LAUTENBAUGH: I don't either. And that's what the committee amendment does is use the term "Latino." Is that correct? [LB139]

SENATOR AVERY: That is correct. [LB139]

SENATOR LAUTENBAUGH: Thank you, Senator Avery. This is a difficult area and it's...the struggle, I think, is to avoid saying something that isn't offensive somehow to someone somewhere. But I sympathize with what Senator Price was saying. He's dead on. If this is named one way you may not think you are welcome to seek services there. And I think this issue...the Government Committee has discussed this now for three years. We're into the third year, into the fourth, depending on how you count it. I would urge us to pass the committee amendment and change the name and move on. I think it's been amply discussed. I trust Senator Avery's judgment on this issue. And I think we just need to move on. I'll yield my time to Senator Avery, if he'd like it. [LB139]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

SENATOR FISCHER: Senator Avery, 3 minutes. [LB139]

SENATOR AVERY: Thank you, Madam President and Senator Lautenbaugh. I notice that he said "I trust Senator Avery's judgment on this issue." (Laughter) He made a good point. Not only that, but it is a matter of a number of minorities from Latin America who probably don't feel that they are represented by the Mexican-American Commission. And in the case that I just mentioned, the person was told directly, you don't belong. And since the commission's purpose is to serve all Hispanics in the state, then the title ought to reflect that so that the non-Mexican Hispanics in the state or Latinos in the state feel that they belong, feel that they are, in fact, represented by and served by the commission. With that, I would urge you to pass this amendment and the underlying bill. Thank you. [LB139]

SENATOR FISCHER: Thank you, Senator Avery and Senator Lautenbaugh. Senator Louden, you are recognized. [LB139]

SENATOR LOUDEN: Thank you, Madam President and members of the body. Would Senator Avery yield for a question, please? [LB139]

SENATOR FISCHER: Senator Avery, will you yield? [LB139]

SENATOR AVERY: I will. [LB139]

SENATOR LOUDEN: Yes. I need to kind of be "refilled," I guess, here on how this came about. Is this legislation that you brought forward or is this legislation that members of this Mexican community or Latino community brought forward and wanted this done? Who instigated this legislation? [LB139]

SENATOR AVERY: Well, it's a combination of things. I have a constituent that talked to me about it. I have to confess something here that I haven't said before. I spent 32 years at the university teaching Latin-American studies or part of my teaching was in that area. And I did always wonder why it is we call this commission Mexican-American when I knew that there were a lot more Hispanic people in this state that were not Mexican than perhaps people realized. [LB139]

SENATOR LOUDEN: Now... [LB139]

SENATOR AVERY: The commission itself had been talking about the name change too. [LB139]

SENATOR LOUDEN: Now when we...on that same line then, is this commission in there to serve immigrant people from South America or is it in there to serve some of

Floor Debate
January 14, 2010

our Mexican citizens? Because out in western Nebraska and places there's many of these people. And I've been asked to appoint people for that commission or give names for their appointment that they're third and fourth generation Mexicans. I mean they were born...they have family that was born in Mexico but there's been three and four generations that already they're Americans. And that's where I'm wondering, what is this commission designed...is that designed to serve some of those people that there was quite a number of those people in different areas and there was some no different than the Indian Commission to serve this certain race of people that was probably in a minority. Now which are we going to do with this commission? [LB139]

SENATOR AVERY: If...Senator, if you go to their Web site, they state very clearly that their purpose is to serve and provide opportunities for all Hispanic residents. Now you referred to the second, third generation Mexicans. They refer to themselves as the "Old Guard." And when I first brought this to the commission they said, well, we can't do that because the "Old Guard" doesn't want it. [LB139]

SENATOR LOUDEN: In other words, that's what the commission was formed for was for Mexican-Americans that were citizens of... [LB139]

SENATOR AVERY: But their purpose goes beyond that and they so state that in their purpose and on their Web site. [LB139]

SENATOR LOUDEN: Yeah. How come then you didn't keep part of the Mexican-American Latino in the name change then rather than go just strictly to Latino? Because when you say Latino, I presume you're talking about people that speak Spanish. Is that what you're...how you're classifying them then? [LB139]

SENATOR AVERY: Well, not merely people who speak Spanish but people who have a heritage or their origins are in the area of Latin America. [LB139]

SENATOR LOUDEN: Okay. And that...when you talk about Spanish origin or something like that, many of those people, especially when you get in Guatemala and down in those countries, they're actually similar to our Native Americans, isn't that correct? [LB139]

SENATOR AVERY: Yeah, but they were the indigenous population that the Spanish subjugated and imposed their culture and institutions on them in about... [LB139]

SENATOR LOUDEN: And do they speak the same dialect as Spanish, as those in, say, northern Mexico the ones that... [LB139]

SENATOR AVERY: There are many different dialects of Spanish spoken, many different dialects of the Indian native population, native languages spoken as well. But

Floor Debate
January 14, 2010

the...you have a mix of Indian,... [LB139]

SENATOR FISCHER: One minute. [LB139]

SENATOR AVERY: ...Native Indian and European cultures. And there is an entire race that's being created called mestizo, that is that mix. And that's the dominant ethnic group in all of Latin America. [LB139]

SENATOR LOUDEN: Well, thank you, Senator Avery. I, myself, I'm wondering whether this is something that we really, really need to do. As you say, there's no fiscal note to it, but nonetheless they do have to use money to change that name. And if the commission...members of the commission themselves are somewhat in disagreement over it, I question whether this is something, as Senator Council said, do we want to impose our will on some of those people like that. So with that, I don't feel that I can support the amendment or the bill. Thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Louden and Senator Avery. Senator Wightman, you are recognized. [LB139]

SENATOR WIGHTMAN: Thank you, Madam President, colleagues. I have a couple of questions I would address to Senator Janssen or Senator Avery, if he would yield. [LB139]

SENATOR FISCHER: Senator Avery, would you yield for questions? [LB139]

SENATOR AVERY: I will. [LB139]

SENATOR WIGHTMAN: Senator Avery, is it true that the one thing all of the groups would have in common would be a common language, except Brazil, which I realize speaks Portuguese. But even that is a Latin derivative language. Is that correct? [LB139]

SENATOR AVERY: That is correct. [LB139]

SENATOR WIGHTMAN: So all of Latin America, as I understand, speak Spanish, except for Brazil, which speaks Portuguese. So Latino would... [LB139]

SENATOR AVERY: And portions of the Caribbean. [LB139]

SENATOR WIGHTMAN: What? [LB139]

SENATOR AVERY: And portions of the Caribbean do not speak Spanish. [LB139]

Floor Debate
January 14, 2010

SENATOR WIGHTMAN: Okay. Can you tell me what they speak? [LB139]

SENATOR AVERY: Well, you have the English speaking countries of the Caribbean, some speak French. Haiti has a French heritage, so there is a kind of a mix of English and native language and French, It's pretty unique. [LB139]

SENATOR WIGHTMAN: Thank you. You know, one of the things that I hear most commonly as far as objections to immigrants is that they don't speak the American...or the English language. I think that probably this commission, whether it's going to be the Latin-American Commission or the Mexican-American Commission, the one thing probably that it did at least advance was speaking English, many other things as well. But that is one of the things. And people object to that. But maybe some of these same people are objecting to having a special commission for them. I think anything that advances...and I think the commission does advance the speaking of English by people of all of Latin America, immigrants from Latin America. So, as I said before, I think there are plenty of reasons to support both the amendment and the bill. Thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Wightman and Senator Avery. Senator Janssen, you are recognized. [LB139]

SENATOR JANSSEN: Thank you, Madam President and members of the Legislature. I've got a couple of questions, if Senator Avery would yield. [LB139]

SENATOR FISCHER: Senator Avery, would you yield to questions? [LB139]

SENATOR AVERY: I will. [LB139]

SENATOR JANSSEN: Thank you, Senator Avery. I serve on the Government Committee with Senator Avery and heard much discussion about this last year. I've got a few questions, it seems like it's been a while ago, to ask. What is the General Fund, is it a General Fund expenditure again and what is that expense? [LB139]

SENATOR AVERY: The commission has a budget that involves an appropriation from, I believe, the General Fund. It's not an especially large budget. I think it might be somewhere around \$100,000. And that covers the executive director and some travel costs and administrative costs. [LB139]

SENATOR JANSSEN: And I did meet with them this summer on a couple of issues. I believe the former commissioner has resigned and they have a new one or they got one in place. But can you again just real briefly here, I don't want to take too much time, explain what they do. [LB139]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

SENATOR AVERY: Well, they coordinate activities that inform Hispanics and Latinos in Nebraska about services that are available, opportunities that might exist. They, I believe, also sponsor some scholarships. They coordinate information to students that might qualify for scholarships that they don't know about. [LB139]

SENATOR JANSSEN: Okay, thank you. [LB139]

SENATOR AVERY: Things of that nature. [LB139]

SENATOR JANSSEN: Thank you, Senator Avery. That's kind of what I thought. And Senator Wallman touched on this, but yes or no, we don't have an advocacy group for every ethnic group in the state of Nebraska. [LB139]

SENATOR AVERY: We do not. In fact, we probably ought to consider a multicultural affairs commission to include Sudanese and the Bosnians and people of that sort, but we don't have that. [LB139]

SENATOR JANSSEN: It seems to be a valuable service for everybody, not just a specific group of people. I do agree with the name change. As you explained, it's for the Mexican and Latino population, it's not just for one certain ethnic group. So I do agree with that. But I think when we were discussing this bill it came up they shouldn't be so concerned, the commission about their name, as they should be concerned about the funding of their commission and the fact that it's even still relevant. And I just wonder, Senator Avery, thinking out loud, in your opinion do you think if we ran any bills this year to add a Polish commission or Czech commission they would pass? [LB139]

SENATOR AVERY: Oh, I doubt it. In fact, I could say absolutely no. [LB139]

SENATOR JANSSEN: So it just makes me wonder out loud why we continue on with some programs when they're not fair to everybody in going forward. So I do support the name change. I don't necessarily agree with using state money to advocate for certain people while we're not doing it for other people. But that's not the bill that's before us today. So thank you, Madam President. [LB139]

SENATOR FISCHER: Thank you, Senator Janssen and Senator Avery. Senator Avery, seeing no other senators wishing to speak on this amendment, you are recognized as Chair of the Government, Military and Veterans Affairs Committee to close on the committee amendment. [LB139]

SENATOR AVERY: Thank you, Madam President. Let me repeat a comment that I made earlier. I think it sums up what we are trying to do here and that is that all Mexican-Americans are Hispanic or Latino. But all Hispanic or Latinos are not Mexican and that is the essence of what it is. We are trying to change the name to better reflect

Floor Debate
January 14, 2010

the constituency that is served by this commission. I appreciate the discussion that I have heard. It's been responsible. Thank you, Senator Janssen. I know your feelings on this issue and I think you gave very responsible comments as did others. But I think that this is...if we're going to have the Mexican-American Commission, let's bring it into the twenty-first century and let's help them better reflect the constituency they serve by passing this amendment and the underlying bill. Thank you. [LB139]

SENATOR FISCHER: Thank you, Senator Avery. You have heard the closing on the committee amendment. The question is, shall the committee amendment to LB139 be adopted? All those in favor vote aye. All those opposed vote nay. Senator Avery, for what purpose do you rise? [LB139]

SENATOR AVERY: No purpose, Madam. (Laughter) [LB139]

SENATOR FISCHER: Thank you. Record, Mr. Clerk. [LB139]

CLERK: 26 ayes, 2 nays, Madam President, to adopt committee amendments. [LB139]

SENATOR FISCHER: The committee amendment is adopted. We return to debate on the bill. Are there senators wishing to address the bill? Senator Avery, you are recognized to close on the bill. Senator Avery waives closing. The question is the advancement of LB139. All those in favor vote aye; all those opposed, nay. Record, Mr. Clerk. [LB139]

CLERK: 26 ayes, 4 nays, Madam President, on the advancement of LB139. [LB139]

SENATOR FISCHER: The bill is advanced. Mr. Clerk, next item on General File, please. [LB139]

CLERK: LB475 was a bill introduced by Senator Stuthman. (Read title.) Introduced on January 20 of last year, at that time referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I do have committee amendments pending, Madam President. (AM830, Legislative Journal page 862, First Session, 2009.) [LB475]

SENATOR FISCHER: Thank you, Mr. Clerk. Senator Stuthman, you are recognized to open on LB475. [LB475]

SENATOR STUTHMAN: Thank you, Madam President and members of the body. LB475 changes the duties of the county comptroller. Currently, in the counties with a population of 300,000 or greater, the county clerk performs the duties of county comptroller in addition to other duties assigned to the county clerk. I want to start by saying that LB475 does not remove any other duties or responsibilities from the county

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

clerk's office, except for the comptroller position, nor does it add responsibilities or merge different offices and departments into one office. I will give you a brief history of the county comptroller position. Back in 1991, LB597 was introduced. The bill required that a county clerk in counties with a population in excess of 200,000 shall also be the ex officio comptroller. It went on to specify that the county comptroller should also act as the chief auditing office and internal auditor and allowed for the change in salary of those county clerks who also served as the county comptroller. Later in the 1991 session, LB597 was amended into LB798, which was ultimately approved by the Governor. When LB597 was amended into LB798, the county population under...county population number under that amendment was increased to 300,000 because Lancaster County did not want to be included. Now some of you may be wondering why does a senator from a county with a population of about 32,000 persons care about this topic when it clearly does not affect any of my constituents. I will tell you that for me this is a government structure issue. County government is a unique form of local government for the county board functions as both legislative and executive branch. Since the county board is charged with determining and approving the budgets for the whole county, including the budget for each individual county department, it only makes sense that the county board should also be...have the sole authority in conducting financial audits for the entire county. As a former eight-year member of the Platte County Board of Supervisors, I will tell you that we as a county board determined the financial audits had to be conducted annually because of the statutory requirement in Section 23-1608. Again, I want to make it very clear that LB479 does not remove any other duties or responsibilities from the county clerk's office, except for the county comptroller duties. Since the introduction of LB475 last year, the interested parties continued to meet to resolve their concerns. Those meetings resulted in AM1547 to the committee amendments, which I truly support and which Senator Avery will introduce in a couple of minutes. Both the Douglas County Clerk/Comptroller and the Douglas County Board have signed off on this amendment and it had to deal with those two parties and they have an agreement with that. And I think that is what we should try to follow because they're in agreement with it, they're signed off on it, and I truly agree with that. So at this time, those are my opening remarks. Thank you, Madam President.
[LB475]

SENATOR FISCHER: Thank you, Senator Stuthman. As the Clerk stated, there are amendments from the committee. Senator Avery, as Chair of the Government, Military and Veterans Affairs Committee, you are recognized to open on the amendments.
[LB475]

SENATOR AVERY: Thank you, Madam President. This amendment, AM830, is the result of a lot of work and Senator Stuthman can verify that, as can others. The Government Committee discussed LB475 at great length after the public hearing. We were faced with two diametrically opposed parties in Douglas County, and there didn't seem to be any way that we could get them together and there wasn't much common

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

ground at all. The committee considered several options as a resolution to the issue, and we were faced with the possibility of choosing to have an appointed position under the county board or have a separately elected comptroller. And after much discussion and debate and after much consultation with the interested parties, the committee advanced an amendment that created, as Senator Stuthman indicated, created an elected position of county comptroller. Over the interim, the Douglas County Board and the county comptroller, who is the county clerk, did not like the position the committee had taken and we were aware that they may not like that. However, it is my belief that this did help bring them to the table for discussion and they managed to come up with a compromise and that compromise is reflected in the amendment that will follow this one. What this amendment does, though, is to create an elected position and it is not what ultimately we'll be asking you to do. Thank you, Madam President. [LB475]

SENATOR FISCHER: Thank you, Senator Avery. Mr. Clerk, there is an amendment to the committee amendment. [LB475]

CLERK: Madam President, Senator Avery would move to amend the committee amendment with AM1547. (Legislative Journal page 196.) [LB475]

SENATOR FISCHER: Senator Avery, you are recognized to open on your amendment to the committee amendment. [LB475]

SENATOR AVERY: Thank you, Madam President. This is an example of what makes work in this body fun--learning how to give up something to get something--and that's a hard thing to learn. But when you have people who are so completely opposed to the other's position, eventually they either don't ever reach agreement, everything falls apart, nothing gets done, or they realize you've got to give up something to get something, and this is what happened and AM1547 reflects the compromise. The compromise amendment replaces AM830. It provides that any county in which a city of the metropolitan class is located, that's Omaha, the county board will provide an appointed internal auditor who reports directly to the board. The auditor will examine all books and records of all elected or appointed county offices in accordance with the generally accepted government auditing standards. After an audit, the auditor will report to the board and the official, whose office was subject to the audit, the fiscal condition of that office. With this amendment, the county comptroller will no longer act as the internal auditor for the county. The act would become effective on January 1, 2011. I'm asking the body to approve this amendment to replace AM830 because it represents a compromise that the interested parties could agree to. Thank you, Madam President. [LB475]

SENATOR FISCHER: Thank you, Senator Avery. You have heard the opening on the amendment to the committee amendment. Members wishing to speak, Senator Price, you are recognized. [LB475]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

SENATOR PRICE: Thank you, Madam President and members of the body. I rise today to make sure that we have on the record the intent, or my intent at least, on what we're doing here. And I respect what Senator Avery and the parties have done and I don't want to stand in the way of that, but I wanted to be clear--the problem now is we have someone who is dual-hatted. They don't want this to be the case today but nowhere in the bill is there language that will ensure in the future someone else doesn't take on the role along with the comptroller duties, you know, excuse me, the auditor duties. We cannot have an auditor and maintain the integrity of the audit and the intention for it if that person also is dual-hatted and there's another function within the county government. I'm sure we all could agree. I believe that's what brings us to this today. So I wanted to be on the record they're not to have a dual-hatted person fulfilling the role of auditor. Thank you, Madam President. [LB475]

SENATOR FISCHER: Thank you, Senator Price. Senator Avery, I see no other members wishing to address your amendment to the committee amendment. You are recognized to close. [LB475]

SENATOR AVERY: Thank you, Madam President. And thank you, Senator Price, for your comments. This is the right way to go about it. The Speaker has made it clear to us many, many times--get your bills in shape before you bring them to the floor. I think that's what we have done. This bill has broad agreement among the interested parties, and I believe it is a workable solution to what appeared at the beginning a completely unworkable problem or condition where we weren't going to get compromise. So I urge you to approve this as a substitute for AM830. Thank you, Madam President. [LB475]

SENATOR FISCHER: Thank you, Senator Avery. You have heard the closing on the amendment. The question is, shall the amendment to the committee amendment to LB475 be adopted? All those in favor vote aye; all those opposed vote nay. Has everyone voted? Record, Mr. Clerk. [LB475]

CLERK: 25 ayes, 0 nays, Madam President, on the adoption of the amendment to the committee amendment. [LB475]

SENATOR FISCHER: Thank you, Mr. Clerk. The amendment is adopted. Seeing no senators wishing to address the amendment, Senator Avery, as Chair of the committee, you are recognized to close on the amendment. Senator Avery waives closing. The question before the body is, shall the committee amendment to LB475 be adopted? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB475]

CLERK: 28 ayes, 0 nays on adoption of committee amendments. [LB475]

SENATOR FISCHER: The amendment is adopted. [LB475]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

CLERK: I have nothing further, Madam President. [LB475]

SENATOR FISCHER: Thank you, Mr. Clerk. Discussion on the advancement of LB475 to E&R Initial continues. Are there members wishing to speak? Seeing none, Senator Stuthman, you are recognized for your closing on LB475. [LB475]

SENATOR STUTHMAN: Thank you, Madam President and members of the body. First of all, I just want to thank the interested parties, the Douglas County Board and the Douglas County Clerk/Comptroller, for coming up with an agreement and negotiating and getting a final agreement, and I also want to thank the Government Committee for moving this forward. And I just appreciate all the work that was done to accomplish this so I want to thank them. So with that, I would ask that you support this bill. Thank you, Madam President. [LB475]

SENATOR FISCHER: Thank you, Senator Stuthman. You have heard the closing on advancement of LB475 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB475]

CLERK: 27 ayes, 0 nays, Madam President, on the advancement of LB475. [LB475]

SENATOR FISCHER: The bill advances. Mr. Clerk, next item on General File, please. [LB475]

CLERK: LB279, Madam President, introduced by Senator Avery. (Read title.) Introduced on January 14 of last year, at that time referred to the Government, Military and Veterans Affairs Committee, advanced to General File. There are committee amendments pending. (AM909, Legislative Journal page 890, First Session, 2009.) [LB279]

SENATOR FISCHER: Thank you, Mr. Clerk. Senator Avery, you are recognized to open on LB279. [LB279]

SENATOR AVERY: Thank you, Madam President. I think this will be my last bill today. LB279 is a product of the base realignment and closure task force that we've been talking about. In 2008, we did form a task force to study the issue of Nebraska's military installations and missions and how Nebraska can strengthen and support its military bases. Four senators sat on the task force, including me, Senator Karpisek, Senator Pahls, and Senator Cornett. We had members of the military represented and various leaders of various chambers of commerce also participated. There was a lot of knowledge in the room, excluding the senators, I think, but we did do a great deal of work. The...one of the recommendations that came out of that task force was to ensure that military installations and government entities and developers coordinate when

Floor Debate
January 14, 2010

developing anything near a military base. What LB279 does is require municipalities and counties to provide notification to a military installation that is located within its jurisdiction if there are any development plans, any zoning actions likely to affect the military installation. The task force learned of instances in both Omaha and Lincoln that demonstrated the need for more communication between local subdivisions, developers, and leaders of military bases. And this is the goal of LB279. At least 20 states have enacted laws to ensure that land development activities near bases are compatible with the military mission of the base and, at the same time, recognizing the growing needs of surrounding communities. The reason for the land use legislation is to ensure that the military can continue to function and train in a way that meets necessary standards, and also to sustain positive economic development that military installations often bring to these communities. But you do need to maintain unimpeded air approach routes for military bases that have airplanes assigned to them. You need to have coordination, cooperation so that what is going on in the surrounding community does not affect negatively what the military needs are. After the public hearing on this bill, I worked with the representatives from the counties and cities and the military department to ensure these provisions would work with Nebraska's current zoning laws. The committee decided that we needed an amendment that would reflect those conversations and that amendment has been filed and it does become the bill. So with that, Madam President, I will end my introduction and move to the amendment, at your discretion. [LB279]

SENATOR FISCHER: Thank you, Senator Avery. As the Clerk stated, there are amendments from the Government, Military and Veterans Affairs Committee. Senator Avery, as Chair of the committee, you are recognized to open on the amendment. [LB279]

SENATOR AVERY: Thank you, Madam President. The committee amendment strikes the original sections of the bill and replaces them with the following provisions. When a city or county is considering adoption or amendment of zoning ordinances or approval of a platting or replatting of any development of real estate, the city or county will notify the military installation located in the city or county if the military installation has given written request for such notification. The county or the city will deliver the notification at least ten days prior to the meeting in which the proposal is to be considered. The reason for that particular language is that we felt that we didn't want to put an undue burden on the military installation to constantly being...having to check to see what was going on around them. They could just simply have a written request, we want to be notified. The committee amendment reflects the public hearing on zoning issues, also recognizing that these issues only occur when a city or county is considering adoption or amendment of a zoning ordinance, or approval of a platting or replatting of any development for real estate. Other developments may not have a public hearing and, therefore, military installations would not have an opportunity to comment. Therefore, the bill is limited to situations in which a military installation could provide input at the

Floor Debate
January 14, 2010

public hearings about how the development might affect their installation. Also, there was a recognition that it is difficult to define in statute all the different kinds of military installations. Installations such as Offutt Air Force Base and the National Guard Base here in Lincoln are easy to identify. Other smaller armories are spread all over the state--I think we have some 50,000 (sic) installations--and they are more difficult to identify. Because of this, the amendment puts the burden on the military installation to notify the county or the city that it wants to receive notice of zoning changes. The bill advanced with this amendment from the committee on an 8-0 vote. I urge you to vote to adopt this. Thank you, Madam President. [LB279]

SENATOR FISCHER: Thank you, Senator Avery. You have heard the opening on the committee amendment. Senators wishing to speak: Senator Krist, Christensen, Lathrop, and Rogert. Senator Krist, you are recognized. [LB279]

SENATOR KRIST: Thank you, Madam President, colleagues. You have in front of you two handouts. The first of them is a copy of a PowerPoint presentation and I'd bring you down to the bottom of that page. "Opportunity is missed by most people because it comes dressed in overalls and looks like work," Thomas Edison. What I'm going to tell you is going to sound like a lot of work but it is absolutely essential to the support of this effort. This is the tip of the iceberg when it comes to supporting our military operations inside the state. You flip over to page 1, sorry, page 2, we have lost two major mission opportunities in this state at Offutt Air Force Base--Global Strike Command, which went to Louisiana, and Cyber-Numbered Air Force Command. That's 800 to 1,000 jobs. Longevity of the current mission investment is questionable with new technology and an aging fleet that currently exists at Offutt, and it puts us at a cost doing business in Nebraska, which might not be attractive to the BRAC. The BRAC, again as defined, could close our military installations if they are not relevant. The decentralized role of STRATCOM personnel losses in Nebraska and others, you can read for yourself, put us also at further jeopardy. We need our national representatives, our business representatives, the movers and shakers of our community and the 49 of us to pay attention to what's going on and support our military missions, and this bill is a part of that. We need to make sure that Offutt is not encroached on and that it does not get another negative comment on the BRAC which will cause attention to be paid to Offutt and potentially close. Here's the bottom line. On page 3, Offutt Air Force Base represents \$2.4 billion in revenue coming into this state. And we can talk about investment and we can talk about spending money on programs and we can talk about why we're not passing bills today, but for the effort that's involved how are we going to replace \$2.4 billion of revenue that comes in--that's just Offutt Air Force Base--with a projection, depending upon whose numbers you look at, of \$4 billion across the state in revenue that comes in from the military missions and the bases here in the state of Nebraska, not to mention the job loss? We need those movers and shakers, and I just want to tell you that they're here. Go to page 7. We have a special committee, and it's the second handout that you have here, that's been formed downtown--Nebraska

Floor Debate
January 14, 2010

Military Support Coalition, NMSC. Several of us have been involved with those meetings, the Governor has been involved, and these are the people who are going to make a difference in the business community: Ken Stinson; Jim Young; Walter Scott; Mike Yanney; John Nelson, another Nelson; Gary Gates; John Hansen; Harlan Falk; David Brown; Megan Lucas. These folks are putting not only their time and effort but they're putting their money into the effort. They have purchased land to the south of Offutt Air Force Base to make sure that the base is not encroached on and they are totally in support of this effort. The two names at the bottom of page 7, Bob Hinson, who is a retired general officer in the United States Air Force, and Bob Bell, a retired admiral from the Navy, understand what it is to go before Congress and to ask for money for their bases, for their services, for their missions. They've been there when the POM cycle has been discussed. They've been there when the fiscal responsibility falls on the command to defend their base. Air Combat Command has defended the 55th Wing and STRATCOM Mission is defending its missions there, but they need the help of the business leaders and they need the 49 of us to realize that when the opportunity comes forward to support the base and support our military missions we're there for them. The framework of their concern, which starts on page 10, Air Force budget issues,... [LB279]

SENATOR FISCHER: Thirty seconds. [LB279]

SENATOR KRIST: ...huge concern; STRATCOM and long history, huge concern. My big concern is that we do not pay attention and end up as Ellsworth Air Force Base was in Rapid City several years ago with a closure imminent and have to reinvest time and effort and try to reverse the (inaudible). Thank you. [LB279]

SENATOR FISCHER: Thank you, Senator Krist. Senator Lathrop, you are recognized. [LB279]

SENATOR LATHROP: Thank you, Madam Chair. And, Senator Krist, thank you for those remarks. I think it's appropriate that we are reminded from time to time that we have an important military installation here in Nebraska and that this Legislature needs to support it, not just because it's the military but because it has an economic impact in Nebraska. And I think your words are timely and appropriate. I do support this. I do have some questions for Senator Avery, if he'll yield, just as a matter of clarification. [LB279]

SENATOR FISCHER: Senator Avery, would you yield for questions? [LB279]

SENATOR AVERY: I will. [LB279]

SENATOR LATHROP: Senator Avery, can you give me some examples of why this bill is necessary? Are there other occasions...I appreciate what Senator Krist just said, I'm wondering, though, are our zoning...what are we...what's the problem we're trying to fix? [LB279]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

SENATOR AVERY: Senator Lathrop, I believe that not too long ago there was a plan to build near Offutt Air Force Base. The base was not notified and the development would have impeded some of the missions of the base. And that was a real...a real case example. I don't know all the details of that but I do know that it brought to our attention the need for better coordination. But if you have a military base, for example, that does a lot of live fire training as, say, you have in places like Camp Lejeune, North Carolina, you need a lot of space. And if people are wanting to develop in and around those live fire zones, you can have a problem. So if you don't have coordination then you can get some...you can impede the mission of the military and the training. [LB279]

SENATOR LATHROP: That makes perfect sense with respect to Offutt. You said that there are other military installations. You've mentioned specifically Offutt and, of course, the National Guard. Are there others? What are the other military installations around the state that are lesser known that might be affected by this bill? [LB279]

SENATOR AVERY: Thank you for that question. It allows me to correct a misstatement that I made. (Laugh) I said that there are 50,000 installations in the state. That's wrong. I think it's more like 59. I'd say that's a huge difference (laugh), but I do want to get that on the record. The Ashland facility, for example, National Guard facility on the river; we have a number of National Guard facilities in the central and western part of the state; we have I believe the Pershing Armory in...near the East Campus. There are about 59. [LB279]

SENATOR LATHROP: Very good. Thank you for the clarification. I, again, I would share Senator Krist's concerns that we take care of Offutt and the military installations, and I think the bill is well done, the amendment makes perfect sense, and I encourage your support. Thank you. [LB279]

SENATOR FISCHER: Thank you, Senator Lathrop and Senator Avery. Senator Gay, you are recognized. [LB279]

SENATOR GAY: Thank you, Madam President. I was scanning the bill. This is a very important bill and I'm supportive of it. However, when I was scanning the bill, a couple things popped into my mind, being from Sarpy County, where obviously we have a large installation. Would Senator Avery yield to a few questions? [LB279]

SENATOR FISCHER: Senator Avery, would you yield for questions? [LB279]

SENATOR AVERY: I will. [LB279]

SENATOR GAY: Thank you, Senator Avery. The questions I had is when you drafted this it says "city," and I know, when I was on the county board, I think we had county

Floor Debate
January 14, 2010

issues that were right in that area and many times if a base is located...well, let's say the Air Guard Base here in Lincoln, is that in the county jurisdiction as well? Because should this include...maybe we should include a county as well because the county planning commissioner probably should tell...there are pockets. And maybe that's been cleared up since I've left but that's something I think we should look into because it is important, the county may have an opportunity to do that. [LB279]

SENATOR AVERY: You're right, Senator Gay. It's in the amendment. [LB279]

SENATOR GAY: It is in the amendment. Okay. Thank you. [LB279]

SENATOR AVERY: Yeah, we do include counties. [LB279]

SENATOR GAY: And then I had just a quick question. It says within 14 days of becoming aware of the development. When you become aware of a development, let's say you may be aware of a development a year ahead of time but it may not be filed with the planning director, you know, it may be a couple months or whatever. So is it when the planning director or when you become aware of it, could that be clarified more or should it be? And I'm not trying to... [LB279]

SENATOR AVERY: I think it's clarified in the amendment, the amendment, AM909. That did come up in debate. [LB279]

SENATOR GAY: Okay. Okay. [LB279]

SENATOR AVERY: I'm pretty sure it's clarified there. [LB279]

SENATOR GAY: Okay. Just like I say...thank you, Senator Avery. Just and like I say, this, we're going through bills quick and my apologies on getting a chance to look at every amendment and that. But I just wondered, I figured it's quicker to ask since you were involved in it. I'm fully supportive of the idea and the bill and I commend you for your efforts. You've been working on this awhile and I was privileged to be asked to attend a meeting to discuss this. Being from the county, I probably shouldn't admit this, but I was amazed of the economic impact, and Senator Krist handed this out, some of that information. That is something to look at and the magnitude of this. So it is very important to the state. I think this is a good bill and fully supportive of it. And thank you, Senator Avery, for answering those questions. Thank you, Madam President. [LB279]

SENATOR FISCHER: Thank you, Senator Gay and Senator Avery. Senator Price, you are recognized. [LB279]

SENATOR PRICE: Thank you, Madam President and members of the body. I rise in support of the bill. Most of you probably don't find that too surprising. Just to let people

Floor Debate
January 14, 2010

know, when we talk about installations and armories, there are other facets to be considered. We have antennas, we have other pieces of communication equipment in various locations around the state supporting the mission, and what you want to be careful there is either interference or if you were broadcasting and there's an RF path that you want to be concerned about. But again, the idea being here is we want to make sure that we don't do anything that would jeopardize. In a flying mission, and I'm not sure if Senator Krist covered this, but it's not just the runway that we're concerned about but there is a zone around the airport. It's...if you want to be...think of it in a three-dimensional matter, to make sure that we don't have buildings that get erected that penetrate that zone. So again, it does seem that the feeling of the membership is that this is a good bill and we're going to move forward with it, but I wanted to be here to clarify that it isn't just Offutt and there are plenty of armories, and they mentioned Ashland as a training area, and we just want to make sure that we do...we put in place an opportunity to notify prior to someone building something so we don't jeopardize those missions. Thank you, Madam President. [LB279]

SENATOR FISCHER: Thank you, Senator Price. Senator Christensen, you are recognized. [LB279]

SENATOR CHRISTENSEN: Thank you, Madam President. I just want to stand up briefly and say this is very important to the state of Nebraska. I'd be maybe from the southwest corner but it's still very important that we maintain the ability that we protect our base in the state, that we make it very viable for the use for the national defense, as well as the jobs and the economy that it protects around here. You know, there's times we all hate to set up zoning practices but I think this is one time that it is very clearly a good thing for the state of Nebraska to be proactive on. At this time, Madam President, I'd like to yield my time to Senator Krist. [LB279]

SENATOR FISCHER: Thank you, Senator Christensen. Senator Krist, 4 minutes and 11 seconds. [LB279]

SENATOR KRIST: I won't take that much time. There's a to-do list on page 15 of that handout. I ask you to take a look at that. You are very important to the process. The key leadership downtown recognizes that you're important to the process. I thank you all for listening to me. I thank Speaker Flood for encouraging this discourse. I thank Senator Avery for encouraging it as well. And I yield the rest of my time and I'm done. Thank you. [LB279]

SENATOR FISCHER: Thank you, Senator Krist. Senator Pankonin, you are recognized. [LB279]

SENATOR PANKONIN: Thank you, Madam President. My legislative district covers part of Sarpy County and the Plattsmouth and Cass County area that this base makes a

Floor Debate
January 14, 2010

huge difference for my district and the entire state's been...that it has been said and those points have been made. I want to make one other point, though. When you look at the post-World War II history of the SAC organization and when you think back to 9/11, I'll never forget this story. I'm in my farm equipment dealership that fateful day, and a customer calls who farms on the Iowa bottoms and he calls and say, Dave, I don't know what's going on but I just saw Air Force One come over me with two F-16s on both corners. And I think that's an important point because, from an international/national standpoint, Offutt Air Force Base, city of Omaha, Bellevue have been associated with the nation's defense, and some of the important events of post-World War II history have resulted in the command and control that Offutt has. And I think besides the economic things, the prestige it brings to our state, our metropolitan area, it is important and something that we need to work hard to keep there. Thank you, Madam President. [LB279]

SENATOR FISCHER: Thank you, Senator Pankonin. Senator Gloor, you are recognized. Senator Gloor waives his time. Senator Cornett, you are recognized. [LB279]

SENATOR CORNETT: Thank you, Madam Chair. I just rise in support of this bill. I actually represent the base, and I'm sorry I had to be off of the floor for another meeting. This issue, the issue dealt with in this bill is something that Senator Avery and I have talked about and discussed for the last couple of years, and it is very important to the base that we do not encroach upon it. There have been instances in the past where projects were attempted that would have done such encroachment. This bill will help protect from that and with that, I urge the body to support the bill. [LB279]

SENATOR FISCHER: Thank you, Senator Cornett. Seeing no other members wishing to address this bill, Senator Avery, you are recognized to close on the committee amendment. [LB279]

SENATOR AVERY: Thank you, Madam President. I appreciate the discussion and the support for this bill. It's important. As Senator Krist pointed out, we cannot afford to do anything that hampers the military mission of Offutt or any other military mission in this state because it is so important to the economy of Nebraska. I believe the total impact of the military economy to this state is more than \$2.5 billion. Offutt accounts for \$2.2 billion or \$2.3 billion of that. But let's not forget the others; they are important as well. And it's important that we constantly watch this and make sure that we don't do anything or fail to do anything in this body that would enhance those missions and protect them. Thank you. I urge you to vote for this amendment and the underlying bill. [LB279]

SENATOR FISCHER: Thank you, Senator Avery. You have heard the closing on the committee amendment. The question is, shall the committee amendment to LB279 be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 14, 2010

who wish to? Record, Mr. Clerk. [LB279]

CLERK: 27 ayes, 0 nays on adoption of committee amendments. [LB279]

SENATOR FISCHER: The amendment is adopted. Discussion on the advancement of LB279 to E&R Initial? I see no senators wishing to address the bill. Senator Avery, you are recognized to close on the advancement of LB279 to E&R Initial. [LB279]

SENATOR AVERY: Thank you, Madam President. This is a bill that's important. It came out of the BRAC Task Force. I appreciate your support for this. I think that we may have another bill or two that will complete most of the work of that task force. It's the right thing to do and I appreciate your support for it and all the people who spoke for it. Thank you and I urge you to support this now. [LB279]

SENATOR FISCHER: Thank you, Senator Avery. You have heard the closing on the advancement of LB279 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all those voted who wish to? Record, Mr. Clerk. [LB279]

CLERK: 32 ayes, 0 nays, Madam President, on the advancement of LB279. [LB279]

SENATOR FISCHER: LB279 does advance. Items for the record, Mr. Clerk? [LB279]

CLERK: Madam President, new bills. (Read LB947-962 by title for the first time.) In addition, Madam President, a new resolution: Senator McGill would offer LR293, Senator McGill and others would offer LR293 expressing the Legislature's condolences to the nation of Haiti. Hearing notice from Transportation Committee; Senator Fischer offers that. A name add: Senator Gloor would like to add his name to LB880. (Legislative Journal pages 229-234.) [LB947 LB948 LB949 LB950 LB951 LB952 LB953 LB954 LB955 LB956 LB957 LB958 LB959 LB960 LB961 LB962 LR293 LB880]

And a priority motion: Senator Karpisek would move that the Legislature adjourn until Tuesday morning, January 19, at 10:00 a.m. []

SENATOR FISCHER: You have heard the motion to adjourn until Tuesday morning at 10:00. All those in favor say aye. All those opposed, nay. We are adjourned until Tuesday morning, 10:00. (Gavel) []